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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,900	10/05/1999	KURUMI MORI	1232-4577	1257

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MICHAEL M MURRAY  
MORGAN & FINNEGAN LLP  
345 PARK AVENUE  
NEW YORK, NY 10154

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/412,900	<b>Applicant(s)</b> MORI, KURUMI	
	<b>Examiner</b> Courtney D. Fields	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-12,20-23 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,7,9-11,20, and 34 is/are allowed.
- 6) ☒ Claim(s) 6,12 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06 July 2004</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 2,8,13-19, and 24-33 have been cancelled.
2. Claims 1,3-5,7,9-11, and 34 have been amended.
3. Claims 1,3-7,9-12,20-23, and 34 are pending.

### *Information Disclosure Statement*

4. The Information Disclosure Statement respectfully submitted on 06 July 2004 has been considered by the Examiner.

### *Allowable Subject Matter*

5. **Claims 1,3-5,7,9-11, 20, and 34** are allowed.
6. The present invention is directed to an information communication apparatus having cipher processing functions for transmitting enciphered data. Each independent claim identifies the uniquely distinct features "**selection means for selecting whether or not to use said enciphering means**" and "**transmission means for transmitting said enciphered data in case of being selected to use by said selection process means, and for transmitting said input data in case of being selected not to use**". The closest prior art, Ishiguro et al. (US Patent No. 6,256,391), either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6, 12, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishiguro et al. (US Patent No. 6,256,391).

Referring to claims 6 and 12, Ishiguro et al. discloses an apparatus and method comprising: cipher discrimination means for discriminating whether the received information is enciphered and error process means for executing a predetermined error process in case said cipher discrimination means identifies that said received information is enciphered (See Column 16, lines 31-45) Ishiguro et al. also discloses the means for a ID requesting signal being enciphered by a pseudo-random function and transferred to the DVD player (See Column 11, lines 5-54) and Ishiguro et al. discloses the means for discriminating whether or not the enciphering process is legally or illegally licensed from the proprietor of the copyright (See Column 11, lines 60-65)

Referring to claim 21, Ishiguro et al. discloses an apparatus comprising: enciphering means for enciphering information, means for discriminating whether an intermediate transfer device is present in a transmission channel, and control means for causing said enciphering means to encipher the information in case said discrimination

means discriminates that the intermediate transfer device is present (See Column 9, lines 45-67, Column 10, lines 1-18) Ishiguro et al. also discloses the means for transferring data by using a linear feedback shift register. This device consist of a condition discrimination section which is used to transfer data bits for enciphering data from the DVD player to the magneto-optical disk and the personal computer through the 1394 bus (See Column 14, lines 34-54)

Referring to claim 22, Ishiguro et al. discloses the claimed limitation wherein said intermediate transfer device is a server (not shown) (See Figure 1 and Column 5, lines 46-47)

Referring to claim 23, Ishiguro et al. discloses the claimed limitation wherein said discrimination means is adapted to discriminate whether said intermediate transfer device is present, based on the destination address of the information (See Column 13, lines 60-67)

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kato et al. (US Patent No. 5,001,750) discloses a secret communication control apparatus. Mizuhara et al. (US Patent No. 6,457,040) discloses a method and system for a distributed network computing system for providing application services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-

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272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*cd*

cdf

July 20, 2005

*Matthew Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*